

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANDRE HUNTER,	:	Civil No. 3:20-cv-0600
	:	
Petitioner,	:	
	:	
v.	:	
	:	
WILLIAM P. BARR, Sitting United States Attorney General, et al.,	:	
	:	
Respondents.	:	Judge Sylvia H. Rambo

**O R D E R**

Before the court is a report and recommendation of the magistrate judge (Doc. 4) in which he recommends that Andrew Hunter's petition for a writ of habeas corpus submitted pursuant to 28 U.S.C. § 2241 be dismissed for lack of subject matter jurisdiction. In response to the report and recommendation, Hunter filed a Motion to Withdraw Writ of Habeas Corpus (Doc. 6) and a Rule 60(b) Motion for Relief from Judgment, neither of which lodge objections to the report and recommendation.

In considering whether to adopt a report and recommendation when no objections have been filed, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (explaining that judges should review dispositive legal issues raised by the report for

clear error). Following an independent review of the record and upon a careful review of the report and recommendation, the court is satisfied that the report and recommendation contains no clear error and will therefore adopt the recommendation. Accordingly, **IT IS HEREBY ORDERED AS FOLLOWS:**

- 1) The report and recommendation is **ADOPTED**;
- 2) The petition (Doc. 1) is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.
- 3) The Motion to Withdraw Petition for Writ of Habeas Corpus (Doc. 6) is **DENIED AS MOOT**;
- 4) The Clerk of Court is directed to close this file.
- 5) Any appeal taken from this order is deemed frivolous and not in good faith.

s/Sylvia H. Rambo  
United States District Judge

Dated: October 16, 2020